IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15730 of 2004

Between:

Kumarapu Kalavathi @ Jammu Kalavathi W/o. Muralimohan
Fair Price Shop Dealer, Dalemraju Valasa (V) G.Sigadam Mandalam
Srikakulam District.

..... PETITIONER

AND

1 The Revenue Divisional Officer Srikakulam Srikakulam District.
2 The Mandal Revenue Officer G.Sigadam Mandal Srikakulam, Srikakulam District.
3 The Joint Collector Srikakulam District at Srikakulam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in issuing the proceedings Rc.No.1483/2004 H, Dt.20.8.2004 as illegal, arbitrary, ultravires and against the principles of natural justice and consequently set aside the proceedings RC No.1483/2004 H dt.20.8.2004 issued by the 1st respondent as illegal, arbitrary, ultravires and against Rules and consequently direct the respondents to continue the supply the essential commodities to the petitioner for the purpose of public distribution in the interest of justice.

Counsel for the Petitioner: MR.VENKATESWARA RAO KADIAM

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

Petitioner is the authorised dealer of the Fair Price shop dealer of Dalemraju Valasa village, G.Sigadam Mandal, Srikakulam District. Her authorisation has been suspended by the first respondent-Revenue Divisional Officer, Srikakulam District by proceedings dated 20-08-2004 pending enquiry into the allegation that she is not residing in the village and that the shop is being run through a benami. Petitioner states that against the said order, she preferred an appeal before the third respondent-Joint Collector, Srikakulam District together with an application for stay. However, the third respondent has not passed any order even on his application for stay so far. Hence, this writ petition.

Learned counsel for the petitioner vehemently contends that all the allegations made in the impugned order of suspension dated 20.08.2004 are false and without any basis and at any rate the suspension of authorisation pending enquiry is not at all warranted in the circumstances of the case. He also states that the petitioner has

distributed the commodities for the month of August, 2004. However, she has not lifted the essential commodities for the month of the September, 2004.

Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents.

Since, the statutory appeal is pending before the third respondent-Joint Collector, Srikakulam District, I am not inclined to express any opinion on merits of the case. However, keeping in view the fact that the third respondent-Joint Collector, Srikakulam District has not passed any orders even on the application for stay, I deem it appropriate to dispose of the writ petition with a direction to the third respondent-Joint Collector, Srikakulam District to dispose of the application for stay filed by the petitioner in the appeal as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

In the meanwhile, there shall be a direction to the respondents to permit the petitioner to distribute the essential commodities to the card holders for the month of September, 2004.

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02.09.2004

klp

To

1 The Revenue Divisional Officer Srikakulam Srikakulam District.
2 The Mandal Revenue Officer G.Sigadam Mandal Srikakulam, Srikakulam District.
3 The Joint Collector Srikakulam District at Srikakulam.

4 Two C.Cs to G.P. for Civil Supplies, High Court buildings,

Hyderabad.(OUT).

5 Two C.D. copies.